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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARINO SCAFIDI,
Individually,

Case No: 2:14-cv-01933-RCJ-GWF

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al.;

Defendants.

**ORDER GRANTING MOTION TO EXTEND CERTAIN DISCOVERY
PLAN AND SCHEDULING ORDER DATES**
(First Request by Motion)

COMES NOW, the Plaintiff, MARINO SCAFIDI, by and through his undersigned counsel, KIRK T. KENNEDY, ESQ., who files this first motion to extend the rebuttal expert disclosure deadline, along with the related discovery deadline and scheduling order dates. The Plaintiff does not seek to move the current jury trial date of August 1, 2022. The current discovery deadline is March 7, 2022.

Dated this 7th day of February, 2022.

/s/Kirk T. Kennedy
KIRK T. KENNEDY, ESQ.
Nevada Bar No: 5032
815 S. Casino Center Blvd.
Las Vegas, NV 89101
(702) 385-5534
Attorney for Plaintiff

POINTS AND AUTHORITIES

Prior to the previous expert disclosure deadline of January 3, 2022, both sides disclosed experts in support of certain aspects of their respective cases. The Court's most recent scheduling order required all rebuttal experts to be disclosed by February 3, 2022, with a current discovery deadline setting of March 7, 2022. Order, ECF, 100. The Court has set the jury trial date for August 1, 2022.

The Defendants disclosed an expert to provide expert opinion and testimony related to the manner and operation of the Defendant LVMPD Officers' conduct regarding the underlying arrest incident of the Plaintiff in 2012, which is the basis for this civil action. The Plaintiff has made diligent efforts to locate a rebuttal expert to address the expert opinions of the Defendant's disclosed expert, however, additional time is needed to find and retain an opposing expert in rebuttal to the Defendants' disclosure. Plaintiff's Counsel has had some difficulty in locating and securing the appropriate expert for rebuttal submission, given the particularized knowledge of the Defendants' expert disclosure.

Pursuant to LR 26-3, the Plaintiff moves the Court for a brief resetting of the rebuttal expert deadline, as well as the current discovery deadline of March 7, 2022, (along with the related dispositive motion and pre-trial order deadlines). The Plaintiff's request will not unduly burden or prejudice the Defendants, as no request is being made to move the existing trial date and the proposed Plaintiff's rebuttal expert would only rebut the existing expert opinion offered by the Defendant's expert disclosure. However, a Plaintiff's rebuttal expert is necessary and important for the presentation of the Plaintiff's case-in-chief.

The Plaintiff moves the Court to allow the rebuttal expert deadline to be reset to March 14, 2022, and the current discovery deadline reset to April 13, 2022, with the dispositive motion deadline reset to May 13, 2022. The current trial setting date should remain in place, unless moved by the Court later due to the pendency of any possible dispositive motion filed by the Defendants.

1 Plaintiff contends that excusable neglect exists under the standards required under
2 LR 26-3 to allow for this brief resetting. The parties have previously only filed two prior
3 stipulations to extend the discovery deadline and this request will not prejudice the
4 Defendants' trial preparations in any way.

5 Plaintiff's proposed extension under LR 26-3:

6 **1. Discovery Completed to Date:**

7 The parties have completed and served all initial disclosures in this matter. Both parties
8 have served multiple supplemental document production disclosures. The Plaintiff has
9 served requests for the production of documents, which the Defendants have timely
10 answered. The Defendants have served interrogatories and document requests which
11 have been timely answered by the Plaintiff.

12 The Defendants took the Plaintiff's deposition on July 28, 2021. The Plaintiff
13 took the depositions of the Defendants Pool and Beza in November, 2021.

14 Both parties disclosed initial experts prior to the January 3, 2022, expert
15 disclosure deadline.

16 **2. Discovery that remains to be completed:**

17 Plaintiff needs additional time to secure and disclose his rebuttal expert, which the
18 Defendant may need to depose. Plaintiff also may need to depose the Defendants' expert.

19 The parties shall complete any remaining discovery disclosures within the time
20 requested by this motion.

21 **3. Reasons why discovery has not been completed to date:**

22 The discovery deadline of March 7, 2022, remains open and the parties are
23 continuing with their discovery efforts. This motion is filed, as argued above, to request
24 additional time for the Plaintiff to disclose a rebuttal expert to the Defendants' expert
25 disclosure. The Defendants' expert requires a rebuttal expert with unique background and
26 history related to law enforcement practices and policies. The Plaintiff is requesting
27 additional time to secure the appropriate expert to address the Defendants' expert opinion
28 in rebuttal, as noted herein.

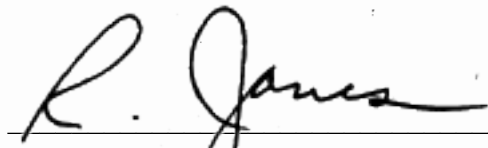
4. PROPOSED EXTENDED DEADLINES:

1. The current discovery deadline of March 7 2022, shall be extended to April 13, 2022.
2. The disclosure of rebuttal experts and their reports shall occur on or before March 14 2022.
3. The dispositive motion deadline shall be extended to May 13, 2022.
4. The pretrial order shall be filed by June 13, 2022, which is not more than thirty (30) days after the date set for filing dispositive motions in the case. This deadline is suspended if dispositive motions are timely filed and, in such case, the deadline for filing the pretrial order shall be thirty (30) days after decision on said dispositive motions, or by further order of the court. Fed. R. Civil P. 26(a)(3) Disclosures: The disclosures required by Fed. R. Civ. P. Rule 26 (a)(3), and any objections thereto, shall be included in the pretrial order.

6. TRIAL SETTING:

The August 1, 2022, jury trial setting shall remain in place.

IT IS HEREBY ORDERED.


ROBERT C. JONES
UNITED STATES DISTRICT JUDGE

DATED: April 4, 2022.